

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NATHANIEL MCKINNEY,  
Petitioner,  
v.  
KELLY SANTORO,  
Respondents.

No. 2:23-cv-00416 DJC DB P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 28, 2023, the Magistrate Judge filed findings and recommendations herein which were served on Petitioner and which contained notice to Petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has not filed objections to the findings and recommendations.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis. Accordingly, IT IS HEREBY ORDERED as follows:

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- 1           1. The findings and recommendations filed July 28, 2023, are adopted in full;
- 2           2. Petitioner's application for a writ of habeas corpus is dismissed for failure to
- 3 exhaust state remedies.
- 4           3. The Court declines to issue the certificate of appealability referenced in 28
- 5 U.S.C. § 2253 as Petitioner has not made a substantial showing of the denial of a
- 6 constitutional right. *See* 28 U.S.C. § 2253(c)(2).
- 7           4. The Clerk of the Court is directed to close this case.

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10           IT IS SO ORDERED.

11       Dated: September 8, 2023

  
Hon. Daniel J. Calabretta  
UNITED STATES DISTRICT JUDGE

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